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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/750,077	12/31/2003	Alan J. Solyntjes	58504US002	2080

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EXAMINER
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ALI, SHUMAYA B

ART UNIT	PAPER NUMBER
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3743

DATE MAILED: 08/24/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

10/750,077

Applicant(s)

SOLYNTJES ET AL.

Examiner

Shumaya B. Ali

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**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 24 May 2006.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-27 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-4,7,8,10-14,16-18,20,22-25 and 27 is/are rejected.
- 7) ☒ Claim(s) 5,6,9,15,19,21 and 26 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 31 December 2003 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |                                                                                                                        |                                                                                         |
|------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)                                                       | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____                                                |

## DETAILED ACTION

### *Claim Rejections - 35 USC § 102*

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. **Claim 1-3,14,16,17,18,20 are rejected under 35 U.S.C. 102(b) as being anticipated by**

**Michel et al. US Patent No. 4,934,361**

3. **As to claim 1, Michel et al. disclose a breathing equipment including:** (a) a mask body (**fig.1, 10**) that is adapted to fit at least over a person's nose and mouth; (b) at least one fluid communication (**fig.1, 13**) component located in fluid communication with the mask body so that a non-contaminated source of oxygen can be supplied to a wearer of the personal respiratory protection device; (c) at least one non-contaminated breathing gas supply source component (**fig.6, 92**), and (d) at least one bayonet attachment system (**fig.1, 14**) that enables the breathing gas supply source component to be fluidically communicatively secured to the fluid communication component, the bayonet attachment system comprising a first portion and a second portion, wherein when the first portion is attached to the second portion with a connection that is incapable of being inadvertently separated.

4. **As to claim 2, Michel et al. disclose** wherein a respiratory mask that has at least one filter cartridge (**fig.6, 92**) as the at least one non-contaminated breathing gas supply source component.

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5. **As to claim 3, Michel et al. disclose** wherein the first portion of the bayonet attachment system comprises a tab receptacle (see **fig.12, 56**) and a tab void area (**fig.12, space between 56s**), and wherein the second portion comprises a tab extending therefrom, the tab having a size no greater than the tab void area and no greater than the tab receptacle, wherein when the first portion is attached to the second portion to cause the tab to seat within the tab receptacle, a connection is formed that is incapable of being inadvertently removed (**see fig.12**).

6. **As to claim 14, Michel et al. disclose** wherein the first portion further comprises a ramp portion (**fig.12**); and wherein the tab receptacle of the first portion is defined by a first wall and an opposite second wall, the first wall defined by the ramp portion (**fig.12**).

7. **As to claim 16, Michel et al. disclose** wherein the ramp portion further comprises a second end opposite the first end, and wherein the ramp portion is attached to the inner surface at the second end (**fig.12**).

8. **As to claim 17, Michel et al. disclose** wherein (a) the first portion has an aperture (**fig.1, 13**) there through, and (b) the second portion comprises a body having an aperture there through, the body configured for attachment to the first portion such that the first portion aperture aligns with the body aperture.

9. **As to claim 18, Michel et al. disclose** wherein (a) the first portion further comprises a second tab receptacle (see **fig.12, 56**), a second ramp portion, and a second tab void portion (**fig.12, space between 56s**), and (b) the second portion further comprises a second tab extending from the body outer surface (see **fig. 11**).

10. **As to claim 20, Michel et al. disclose** a personal respirator with a bayonet attachment system (**fig.1, 14**), first portion (see **fig.12, 56**) comprising a tab receptacle and a void area

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**(fig.12, space between 56s)**, and no greater than the tab void area and no greater than the tab receptacle, wherein when the first portion is attached to the second portion to cause the tab to seat within the tab receptacle a connection is formed that is incapable of being inadvertently removed **(see fig.12)**

***Claim Rejections - 35 USC § 103***

11. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

12. **Claims 4,7-13,22-27 rejected under 35 U.S.C. 103(a) as being unpatentable over Michel et al. US Patent no. 4,934,361.**

13. **As to claims 4,7-8,22 Michel et al. disclose the respiratory mask of claim 2, wherein the connection is permanent (Michel et al. do not disclose detachment of the bayonet system, therefore, the attachment as disclosed by Michel et al. is considered permanent).**

14. **As to claims 10-13, limitations “power purifying respirator”, “self contained breathing apparatus”, “full face mask”, and “a supplied air hood” are considered alternative forms of interfaces used in the art. Therefore, it would have been obvious to one of ordinary skills in the art to consider the respirator disclosed by Michel et al. as an equivalent interface. Additionally, applicant has not established criticalities regarding a particular respiratory protection device important to the invention. Therefore, it would have been obvious to one**

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**or ordinary skills in the art to substitute one respiratory protection device with another as a matter of design choice.**


***Allowable Subject Matter***

15. Claims 5,6,9,15,19, 21 objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Shumaya B. Ali whose telephone number is 571-272-6088. The examiner can normally be reached on M-F 8:30-4:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Henry Bennett can be reached on 571-272-4791. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

  
Shumaya B. Ali  
Examiner  
Art Unit 3743

8/21/06

  
Henry Bennett  
Supervisory Patent Examiner  
Group 3700